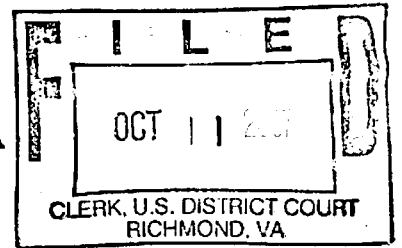


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



HILTON LAWRENCE BROWN,

Plaintiff,

v.

Civil Action No. 3:07CV531

COMMISSIONER OF INTERNAL REVENUE, et al.,

Defendants.

MEMORANDUM OPINION

Hilton Lawrence Brown, a California inmate, submitted this action and requested leave to proceed in forma pauperis. The Prison Litigation Reform Act precludes a prisoner from proceeding in forma pauperis:

. . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Brown has more than three actions or appeals that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted. See Brown v. Ayers, No. 99-15004, 2000 WL 539602 at *1 (9th Cir. May 3, 2000); Brown v. IRS, No. Civ. 302CV1031H, 2002 WL 1822939, at *2 (N.D. Tex. Aug. 6, 2002) (citing cases). Brown's current complaint does not suggest that Brown is in imminent danger of serious physical harm. Therefore, by Memorandum Order entered on September 5, 2007,

the Court denied Brown's request to proceed in forma pauperis and directed Brown to pay the \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the September 5, 2007 Memorandum Order and Brown has not paid the full filing fee. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Brown.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 11, 2007